IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.4183 of 1991**
DATE OF DECISION: January 17, 2007

BALWAN SINGH AND ANOTHER ...PETITIONERS

VERSUS

STAT E OF HARYANA AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.

PRESENT: MR. ARUN JAIN, ADVOCATE FOR THE PETITIONERS.
MR. ANMOL RATTAN SIDHU, ADDL.A.G., HARYANA
WITH MR. RAJEEV KWATRA, SR.DAG, HARYANA.

ASHUTOSH MOHUNTA, J. (ORAL)

The petitioners have prayed for regularization of their services on the post of Health Inspectors from the date they have assumed charge of the post of Health Inspector with all consequential benefits. The petitioners were initially appointed as Basic Health Workers and later on were adjusted against the post of Health Inspector (Annexure P-2).

As the petitioners have already retired from service, therefore, the prayer of the petitioners for regularization of their services has been rendered infructuous.

It has been argued by Mr. Jain, that as the petitioners were working as Health Inspectors upto to their retirement, therefore they should be given the pay scale of the post on which they have been working, as revised from time to time.

Learned counsel for the State submits that as the petitioners were never regularized on the post of Health Inspector, therefore, they are not entitled to be paid the salary for this post. He further submits that the petitioners were allowed to work in their own pay scale against their original post.

A perusal of the aforementioned facts clearly show that undisputedly the petitioners had been working on the post of Health Inspector. They retired from this post, thus, having rendered service as Health Inspector, therefore, the petitioners would obviously be entitled to the pay scale admissible to a Health Inspector. The Hon'ble Supreme Court in *Smt. P. Grover* vs. *State of Haryana* reported as 1983 (2) SLR 734 has held that where the promotion is on acting basis, even then the officer would be entitled to salary of such higher post on which he was working. In another case of *Rajinder Nath Malhotra* vs. State of Punjab and ors. reported as 1990(2) SLR 305 it was held that even if the promotion of the petitioner is in his own pay scale still the claim of the petitioner for the salary admissible to him in the higher rank was justified.

In the present case also the petitioners were officiating as Health Inspectors in pursuance of their appointment letter and having discharged their services as Health Inspector, they are entitled to the salary of the post on which they were working, as revised from time to time.

In view of the judgements rendered in *Smt. P. Grover's case* and *Rajinder Nath Malhotra's case* (supra) the petitioners are held entitled to the pay scale of the post on which they were working. The writ petition is partly allowed. The respondents are directed to pay the petitioners the entire arrears of salary within a period of 6 months alongwith all consequential benefits.

January 17, 2007 **(ASHUTOSH MOHUNTA)**
Gulati **JUDGE**